

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANIEL ALLEN BYRAM,)
Administrator of the Estate)
and Natural Father of)
JOHNATHON BYRAM, deceased,)
Plaintiff)Civil Action - Law
)
vs.)Jury Trial Demanded
)
MARK T. RENEHAN, THOMAS)No. 3:10-CV-593
(a/k/a TODD) S. RENEHAN,)
BETH L. RENEHAN, JAMES)
RENEHAN, PATRICIA RENEHAN,)
and JOSEPH CONNORS, JR.,)
Defendants)

JAMES RENEHAN

- - -

Video deposition of James Renahan taken in
the above matter on Friday, June 24, 2011 at Foley,
McLane, Foley, McDonald & MacGregor, 600 Linden Street, PO
Box 1108, Scranton, Pennsylvania 18501-1108.

Stenographically recorded and transcribed by
Lisa Taylor, Registered Professional Reporter and notary
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A P P E A R A N C E S

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Also Present: Glenn Ronk
Laura Agostini
Patricia Renehan

— — —

S T I P U L A T I O N S

It was stipulated and agreed by and between counsel for the respective parties that the sealing and filing of the deposition shall be waived.

It was further stipulated and agreed by and between counsel for the respective parties that all objections, except as to the form of the question, be waived until the time of trial.

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W I T N E S S I N D E X

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E X H I B I T I N D E X

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1 VIDEO TECHNICIAN: We are going on the
2 record at 10:13 a.m. on Friday, June 24, 2011.
3 This is Volume 1, Media Unit 1 of the video
4 deposition of James Renahan taken by the plaintiff
5 in the matter of Daniel Byram versus Mark Renahan,
6 et al., filed -- filed in the U.S. District Court
7 for the Middle District of Pennsylvania, Case
8 Number 3:10-CV-593.

9 This deposition is being held at the Foley
10 Law Firm in Scranton, Pennsylvania.

11 My name is Jason Young from the firm of
12 Courtside Document Services, located at 410 Spruce
13 Street, Scranton, Pennsylvania and I am the
14 videographer.

15 The court reporter is Lisa Taylor with
16 offices in Kingsley, Pennsylvania.

17 Would all present counsel please introduce
18 themselves and their affiliation?

19 MR. FOLEY: Kevin Foley representing Daniel
20 Allen Byram as administratrix of the Estate of
21 Johnathon Byram.

22 MR. TUCCI: Jack Tucci for defendants James
23 and Patricia Renahan.

24 MR. WILSON: Jim Wilson for defendants
25 Thomas, Beth, and Mark Renehan.

1 MR. KUNKLE: Gregory Kunkle for defendant
2 Mark Benehan.

3 MR. GORDON: John Gordon for defendant
4 Joseph Connors, Jr.

5 MR. FARRELL: Attorney Christopher Farrell
6 on behalf of Attorney Coleman who could not be
7 present this morning on behalf of Mark and Beth
8 Benehan.

9 VIDEO TECHNICIAN: Will the court reporter
10 please swear in the witness?

11 || JAMES RENEHAN

12 WAS CALLED AND, HAVING BEEN DULY SWORN,
13 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

EXAMINATION

15 || BY MR. FOLEY:

16 || Q. Good morning, Mr. Renehan.

A. Good morning.

18 Q. As you know, my name is Kevin Foley and
19 we've met prior to the deposition. We met maybe a couple
20 weeks ago out at your house. Do you mind if I call --
21 your first name, if I call you by your first name, James

22 | --

23 A. Jim.

Q. Is it Jim or James or Jimmy?

25 A. Jim.

1 Q. Jim.

2 A. Yeah.

3 Q. Okay. Do you mind if I address you by your
4 first name, especially since we have a number of different
5 Renehans --

6 A. Absolutely.

7 Q. -- involved in the case?

8 Thank you. Jim, I'm going to ask you some
9 questions generally, general background questions. I'm
10 going to ask you some questions about what had occurred on
11 July 4 and July 5 up at your home in 2009 and basically
12 what your knowledge of the incident is.

13 A. Okay.

14 Q. If at any time you don't understand one of
15 my questions, would you please tell me so for the record?

16 A. Yes.

17 Q. If at any time you don't hear one of my
18 questions, would you again please tell me so for the
19 record?

20 A. Yes.

21 Q. Okay. And can we agree that if you answer
22 my question, you both heard and understood my question?

23 A. Sure.

24 Q. Now, you're represented by Attorney Tucci;
25 is that correct?

1 A. Yes.

2 Q. If at any time you want to take a break and
3 discuss anything with Attorney Tucci, please feel free to
4 do so. Okay?

5 A. Yep.

6 Q. And, finally, I'd ask you to verbalize all
7 of your responses. As you know, the court reporter here
8 is typing up everything that both you and I are saying and
9 so I'd appreciate it if you'd please say yes or no and
10 whatever explanation you have as opposed to head nods and
11 shoulder shrugs. She can't take those down. Okay?

12 A. Yes.

13 Q. And, finally, I'd ask that you wait until I
14 finish my question and I'll try and wait until you finish
15 your answer because she can't take us -- take the typing
16 down for both of us talking at the same time. Is that
17 agreeable?

18 A. Sure.

19 Q. Now, can you please state your full name for
20 the record?

21 A. James Michael Renahan.

22 Q. And, Jim, what is your address, please?

23 A. Home?

24 Q. Yes.

25 A. Thirteen Andrews Road in Malvern,

1 Pennsylvania.

2 Q. Now, do you own a second home?

3 A. Yes.

4 Q. Okay. And where is that second home
5 located?

6 A. On -- I don't know the number. On Minkler
7 Mountain Road, Pennsylvania.

8 Q. Okay. Would your residence be 193 Minkler
9 Mountain Road?

10 A. It could be. We didn't have addresses for a
11 long time.

12 Q. Do you know the address -- or how long have
13 you owned the home there?

14 A. I bought the land in 2002, built the house a
15 year later.

16 Q. And are you married?

17 A. Yes.

18 Q. Who are you married to?

19 A. Patricia Renehan.

20 Q. And I understand you have three children; is
21 that correct?

22 A. Yes.

23 Q. And what are their names and ages?

24 A. Ashley is 11 and Brookie is nine, or will be
25 nine next week, and Jack is four and a half.

1 Q. Okay. Are you employed?

2 A. Yes.

3 Q. Where are you employed?

4 A. Self-employed.

5 Q. And in what cap -- what is the nature of
6 your business?

A. I'm a builder.

8 **Q.** How long have you been engaged in the -- as
9 a builder?

10 A. Three and a half years about.

11 || Q. Prior to that, did you have a different job?

12 || A. Yes.

13 Q. And what were you employed as?

14 A. At MAB Paints.

15 Q. And what did you do for MAB Paints?

A. I ran the field operations.

17 Q. When you say you ran the field operations,
18 can you tell me -- MAB Paints is a pretty big
19 organization, isn't it?

20 A. No. Well, they're sold now. But no. It
21 was a small family-owned company.

22 (Patricia Renahan enters.)

23 | BY MR. FOLEY:

24 **Q.** And in your -- where is your building or
25 building business located?

1 A. Malvern.

2 Q. Malvern. And does it have a -- is it
3 incorporated?

4 A. Yes.

5 Q. What's the corporate name?

6 A. Renehan Building Group, Incorporated.

7 Q. And do you have employees that work for you?

8 A. Yes.

9 Q. How many employees do you have?

10 A. Two part-timers.

11 Q. And in what area does your business
12 function, what general geographic location, Philadelphia,
13 Malvern area or --

14 A. Malvern area.

15 Q. Malvern area, okay. Now, you said that you
16 built your home in 2002, is that -- or purchased the
17 property in 2002; is that correct?

18 A. I think so, yes.

19 Q. Okay. And you built the home a year later?

20 A. Yes.

21 Q. Okay. And when you purchased the property,
22 as I understand it, two of your brothers also own
23 properties up there; is that correct?

24 A. Yes.

25 Q. And the general area is called Minkler

1 Mountain; would that be accurate?

2 A. I don't know.

3 Q. In relationship to your property, where are
4 your brothers' properties?

5 A. Further down the road than me. I don't know
6 the direction.

7 Q. And who are the brothers that have
8 properties up there adjacent to your property?

9 A. Todd and Steven.

10 Q. Now, going back to July 4, 2009, was there a
11 party held at your home?

12 A. No.

13 Q. No?

14 A. There was a family picnic held at my home.

15 Q. A family picnic?

16 A. Yes.

17 Q. Okay. And who was at the family picnic?

18 A. Family members. My mom, my sister, Ricky,
19 Todd, Steven, and, of course, Mark and his two friends.

20 Q. That would be John Byram and Joe Connors?

21 A. Yes.

22 Q. And what is your mother's name, please?

23 A. Mary Ann.

24 Q. Is the last name Renahan, I'm assuming?

25 A. It is.

1 **Q.** It is. And where does she reside?

2 **A.** In the ground.

3 MS. PATRICIA RENEHAN: In heaven.

4 THE WITNESS: She died in January.

5 MR. FOLEY: I'm sorry.

6 MR. TUCCI: You can't say anything.

7 MS. PATRICIA RENEHAN: I'm sorry. I'm
8 sorry.

9 BY MR. FOLEY:

10 **Q.** And what is your sister's name?

11 **A.** Cindy.

12 **Q.** And what is her last name, please?

13 **A.** Crowley Renehan, I think. I'm not sure what
14 she goes by.

15 **Q.** And is she married?

16 **A.** Yes.

17 **Q.** And what is her husband's name?

18 **A.** Tom Crowley.

19 **Q.** Now, was Tom Crowley present at the party?

20 **A.** Yes.

21 **Q.** And your brother Rick was also there; is
22 that correct?

23 **A.** Yes.

24 **Q.** And it's, I'm assuming, Rick Renehan?

25 **A.** Richard, yes.

1 Q. Richard Renahan.

2 A. The real formal name.

3 Q. And is Richard married?

4 A. Yes.

5 Q. And his wife's name, please?

6 A. Sue.

7 Q. And do they have any children?

8 A. They do.

9 Q. Were their children present at the party?

10 A. I don't really remember.

11 MR. TUCCI: I'm sorry. When you say there,
12 you mean children generally or their -- children of
13 that couple?

14 MR. FOLEY: Of Richard and Susan Renahan's
15 children.

16 BY MR. FOLEY:

17 A. Yeah, I don't remember.

18 Q. And Todd Renahan was there; is that correct?

19 A. Yes.

20 Q. And that would be Thomas Renahan?

21 A. Yes.

22 Q. And Thomas is married to Beth; is that
23 correct?

24 A. Yes.

25 Q. And were both Thomas and Beth there at the

1 party?

2 A. Yes.

3 Q. Okay. And then you mentioned Steven; is
4 that correct?

5 A. Yes.

6 Q. Steven Renahan is your brother, as well?

7 A. Yes.

8 Q. And is he married?

9 A. Yes.

10 Q. What is his wife's name?

11 A. Dee Dee, Dierdra.

12 Q. Was Deirdra present at the party?

13 A. No.

14 Q. Do they have any children?

15 A. Yes.

16 Q. And were their children present?

17 A. I don't think so.

18 Q. Okay.

19 A. We have this picnic every single year, so we
20 get fuzzy on who's there and who's not. The years blend.

21 Q. So as you sit here today, you can't tell me
22 exactly who was there at the party?

23 A. I can't.

24 MR. WILSON: These are color copies -- this
25 is off the record -- of your photos.

1 MR. FOLEY: Go off the video record.

2 VIDEO TECHNICIAN: We're going off the
3 record at 10:24 a.m.

4 (Off the record.)

5 VIDEO TECHNICIAN: We're back on the record
6 at 10:25 a.m.

7 BY MR. FOLEY:

8 Q. I think we -- I was asking you as to who was
9 present at the 4 of July party in 2009. And it's my
10 understanding you said you had this function every year;
11 is that correct?

12 A. Yes.

13 Q. Have you been having the function ever year
14 since you built the home in 2003 approximately?

15 A. Pretty much. It became our holiday. But
16 you keep referring to it as a party. It's a picnic.

17 Q. Okay. Do you know Kurt Skallurup?

18 A. I do.

19 Q. And who is Kurt Skallurup?

20 A. Todd's friend.

21 Q. And do you know a Sue Skallurup?

22 A. Yes.

23 Q. Who is she?

24 A. Kurt's wife.

25 Q. Were they present on the July 4, 2009

1 picnic?

2 A. Thank you. Yes.

3 Q. Okay. So you do recall them being there --

4 A. I do.

5 Q. -- is that correct?

6 A. Yes, I do.

7 Q. Okay. Now, is there anybody else that you
8 recall being there?

9 A. Steven and Ricky and my mom.

10 Q. Okay.

11 A. And my sister.

12 Q. Would that be all?

13 A. Well, the -- the -- Mark and his friends we
14 talked about.

15 Q. Mark and Joe? Or John and Joe?

16 A. Yes.

17 Q. Would there be anybody else -- anybody else
18 there?

19 A. Who did I tell you already?

20 Q. I believe you covered your mother; your
21 sister Cindy; Ricky, or Richard, and his wife; Todd, or
22 Thomas, and Beth; Steven. Deirdra was not there, I
23 believe you said.

24 A. Correct.

25 Q. Mark, John, and Joe, and the Skallurups?

1 A. Yes, that's -- that's all I remember.

2 MR. TUCCI: Do you also want the children
3 who were present?

4 THE WITNESS: Yeah, do you want -- I mean,
5 my kids were there. Todd's kids were there.

6 BY MR. FOLEY:

7 Q. And you have three children; correct?

8 A. Yes.

9 Q. And who of Todd's kids were there?

10 A. Mark, Maggie, and TJ.

11 Q. You said Maggie and TJ?

12 A. Yes.

13 Q. Okay. And I'm assuming it's Maggie Renahan?

14 A. Yes.

15 Q. And how old is she?

16 MR. TUCCI: You can't ask her any questions.

17 BY MR. FOLEY:

18 Q. If you know. If you know.

19 A. I'm sorry. I don't know.

20 Q. And how about TJ?

21 A. I don't know.

22 Q. Is there anybody else that was present?

23 A. Not that I recall.

24 Q. Now, on July 4, 2009, what time did the
25 function start?

1 A. I think about 5:30.

2 Q. Okay. And prior to that on July 4, do you
3 recall what your activities were?

4 A. Absolutely. I cut wood all day.

5 Q. And where did you cut wood at?

6 A. On my land.

7 Q. Who was present with you when you were
8 cutting wood?

9 A. Tom, Cindy's husband.

10 Q. Was there anybody else?

11 A. No.

12 Q. If we can, going back to everybody, if we
13 could, not everybody was staying at your house; would that
14 be correct?

15 A. Yes.

16 Q. Okay. Do you recall where your mother was
17 staying?

18 A. At Steven's house.

19 Q. And your sister Cindy, where was she
20 staying?

21 A. She stayed at my house.

22 Q. And how about her husband, Tom?

23 A. He stayed at my house with her.

24 Q. And Ricky, he owns a property there?

25 A. No.

1 **Q.** No, okay. Where was he staying?

2 **A.** Steven's house.

3 **Q.** So other than your sister Cindy and her
4 husband, Tom, and your three children, were anybody else
5 staying inside your home?

6 **A.** No.

7 **Q.** Now, you said that the function started at
8 about 5:30; is that correct?

9 **A.** Yeah, around.

10 **Q.** Okay. And can you tell me what happened?

11 Take me through the evening if you would. What happened?

12 **A.** Well, it started by us cooking a lot of food
13 for -- for dinner. And we had, you know, food out where I
14 showed you on the tables and food inside. And people kind
15 of came whenever they came. And we had dinner and the
16 kids and everyone were playing in the yard and having
17 water fights.

18 And we spent most of the time chasing around
19 our son because he was only two and a half and he loves to
20 go in the barn and get on all the ATVs and turn the
21 machines on, so....

22 Then we set up for fireworks. And as the
23 sun went down, we had some fireworks. Then we lit the
24 campfire and hung out by the campfire and that's it.

25 We played volley ball, horse shoes, stuff

1 like that.

2 Q. And what time did the function end?

3 A. I guess everybody left sporadically from
4 10:00 on.

5 Q. Do you recall when the final guests had
6 left?

7 A. Not exactly. I could guess if you'd like.

8 MR. TUCCI: Don't guess, please.

9 THE WITNESS: Okay.

10 BY MR. FOLEY:

11 Q. Were you up until the final guests had left?

12 A. Can you state that different?

13 Q. Were you still awake when the final guests
14 had left?

15 A. I don't know how to answer that question
16 because I went to bed and Mark and his friends were having
17 something to eat.

18 Q. Okay. Do you recall what time you went to
19 bed?

20 A. I think it was around 2:30.

21 Q. Can you tell me why it is that you believe
22 that you went to bed around 2:30?

23 A. Because there's a clock next to my bed and I
24 just, for some reason, recall looking at it.

25 Q. So on this evening when you're going to bed,

1 you were certain that you looked at the clock and saw that
2 it was 2:30 when you were going to bed?

3 A. No, I'm not a hundred percent certain. I
4 told you that.

5 Q. Okay. Now, prior to your going to bed at
6 2:30, what were you doing for the last two hours?

7 A. Hanging out at the fire pit.

8 Q. Were you at the fire pit the entire time
9 during the last two hours?

10 A. Probably not the entire time.

11 Q. Okay. Where else were you during the last
12 two hours before you went to bed, if you weren't at the
13 fire pit, if you recall?

14 A. I don't recall.

15 Q. As you sit here today, is there any time
16 that you remember getting up from the fire pit in the last
17 two hours and going someplace?

18 A. No.

19 Q. During that time period, who was with you?

20 A. Patty, Mark, and his two friends. But when
21 you say "time period," what time period?

22 Q. During the last two hours before you went to
23 bed, from 12:30 to 2:30.

24 A. Maybe Todd, too, then if you're in that time
25 period, maybe Todd and his wife, too. I'm not certain

1 what time they left.

2 Q. Well, you had said that people started
3 leaving around 10:00 and continued leaving up until around
4 2:30 or until you went to bed --

5 A. Um-hum.

6 Q. -- correct?

7 A. Yeah.

8 Q. Tell me who left first if you can recall?

9 A. My mom.

10 Q. You believe that she left around 10:00?

11 A. I don't know exactly when she left.

12 Q. Um-hum. And then did she go home by herself
13 or back to your brother's house by herself or was she with
14 somebody?

15 A. Somebody took her home.

16 Q. Do you recall who took her?

17 A. I think it was Sue.

18 Q. Do you recall who left next?

19 A. No.

20 Q. Now, you said that you believe that Todd and
21 Beth were still there perhaps within the last two hours?

22 A. Well, right around the last two hours.

23 Q. And at some point, they left --

24 A. Yes.

25 Q. -- is that correct?

1 A. Yeah.

2 Q. Did the Skallurups go with them at that
3 point in time or were they -- did they leave earlier?

4 A. I don't know.

5 Q. And you said that you went to bed
6 approximately 2:30; would that be correct?

7 A. I did say that.

8 Q. Did your wife go to bed with you at that
9 point in time or had she gone to bed earlier?

10 A. She went to bed right after me.

11 Q. Had she been out at the fire pretty much the
12 whole time up until that point in time?

13 A. From what I remember.

14 Q. And were the -- was Mark there at the fire
15 for the last two hours the entire time; do you recall?

16 A. I don't know about the entire time but he
17 was there with us.

18 Q. Okay. Do you recall Mark leaving the fire
19 for any particular reason at any time during the last two
20 hours?

21 A. I don't. I'm sorry.

22 Q. Okay. How about Mark's friends, John and
23 Joe, were they there at the fire during the last two hours
24 before you went to bed?

25 A. They were.

1 **Q.** Okay. Were they there the entire time --

2 **A.** No.

3 **Q.** -- to the best of your recollection?

4 **A.** They left. I remember them leaving.

5 **Q.** Okay. Do you recall at approximately what
6 time they left?

7 **A.** Sorry. I don't.

8 **Q.** Do you recall approximately how long they
9 were gone?

10 **A.** I don't.

11 **Q.** Do you recall the reason why they left?

12 **A.** I believe to go get sweatshirts.

13 **Q.** Do you recall how long they were gone?

14 **A.** I don't.

15 **Q.** Could it have been that they were gone for
16 the entire two hours?

17 **A.** I doubt it but I don't know.

18 **Q.** Did you see them before you went to bed?

19 **A.** Yes.

20 **Q.** Were they there at the fire when you went to
21 bed?

22 **A.** No.

23 **Q.** Do you recall where they were when you went
24 to bed?

25 **A.** Coming into my kitchen by the table you saw

1 to get food.

2 Q. So you had an opportunity to see them there
3 at the table before you went to bed?

4 A. Very briefly. I was walking in the bedroom.
5 They were walking in the room.

6 Q. Did you say anything to them --

7 A. No.

8 Q. -- or talk to them?

9 A. No.

10 Q. And where was your wife, Patty?

11 A. At the kitchen sink.

12 Q. How long after you went into the room and
13 went to bed before Patty had come in; do you recall how
14 much time had passed?

15 A. I don't.

16 Q. Was it a matter of minutes, half hour?

17 A. I could speculate if you want.

18 Q. Your best estimate.

19 A. Ten minutes.

20 Q. What would be your best estimate as to how
21 long John and Joe had left and gone for sweatshirts and
22 come back?

23 A. Sorry. Half hour, 45 minutes.

24 Q. And in that time period of that half hour to
25 45 minutes when they had said that they were going to get

1 sweatshirts, were they at the campfire during that last
2 two-hour period?

3 A. Can you say that again?

4 Q. Okay.

5 A. Thank you.

6 Q. I'd asked you for your best estimate as to
7 how long it took them to go -- to go get sweatshirts?

8 A. Yep.

9 Q. And you had said that your best estimate was
10 a half hour to 45 minutes; is that correct?

11 A. That's what I said, yes.

12 Q. And when I'd asked you whether they were
13 with you during the last two hours there at the campfire,
14 you'd said at some point they left to go get
15 sweatshirts -- sweatshirts and they came back?

16 A. Yes.

17 Q. So during that last two-hour period, with
18 the exception of going to get the sweatshirts, were they
19 there with you at the campfire during that two-hour
20 period?

21 A. Yes.

22 Q. Okay. So while you were sitting there with
23 them during that two-hour period, how did they appear to
24 be to you?

25 First let's ask you -- first I'd like to ask

1 you about John. How did John appear?

2 A. Fine.

3 Q. Was he staggering at all?

4 A. No.

5 Q. Was he slurring his speech?

6 A. No.

7 Q. Did he appear to you to be in any way
8 inebriated?

9 A. No.

10 Q. And then how about Joe, was he in any way --
11 did he -- was he staggering at all?

12 A. No.

13 Q. Did he appear to be -- have slurred speech?

14 A. No.

15 Q. Did he appear to you to be in any way
16 inebriated?

17 A. No.

18 Q. And during that two-hour period, was Mark
19 there the entire time with you?

20 A. Yes.

21 Q. And what is -- what do you recall that Mark
22 was doing while he was there at the campfire?

23 A. Just sitting around, looking at the fire.

24 Q. Was he -- okay. Withdrawn.

25 Was he drinking beer?

1 A. I saw him have one beer at the campfire.

2 Q. Do you recall what time that was?

3 A. No, not exactly.

4 Q. Could you give me your best estimate as to
5 when you saw him have that one beer?

6 A. Between 12:00 and 1:00.

7 Q. Had you seen John have any beers?

8 A. I didn't. You're talking about at the
9 campfire?

10 Q. At the campfire, during the last two hours.

11 A. Okay. Thank you.

12 Q. Now, while we're talking about it, had you
13 seen him drink any beer at all during the time period that
14 he was there from 5:00 up until whenever he left?

15 A. I saw him drink a beer the day he got there,
16 two days before the event even started. I saw him drink a
17 beer at dinner the night before the 4 and I saw him have
18 one beer when he first got to my house. And after that, I
19 didn't really, I hate to say it, pay much attention.

20 Q. So you had seen John a couple times, not
21 just on the July 4, but you had seen him on July 3 and
22 July 2?

23 A. Yes.

24 Q. Okay. And on July 2 and on July 3 and on
25 July 4, I understand it's your testimony that you saw him

1 drink one beer on each day?

2 A. Yes. That's all I remember.

3 Q. Now, in terms of the beer that you saw him
4 drink on the 2, where did you see him drink that beer?

5 A. The 2 is two days before?

6 Q. Yes.

7 A. All right. He came to my house with Mark
8 and Joe and they got out of the car drinking beer.

9 Q. Okay. Whose car was it?

10 A. I don't know.

11 Q. Now, on the 2 -- or withdrawn.

12 On the 3 --

13 A. Yes.

14 Q. -- which would be the second day that John
15 was there --

16 A. Yes.

17 Q. -- you said you saw him drinking a beer
18 then; is that correct?

19 A. That is correct.

20 Q. Where did you see him drinking a beer then?

21 A. At dinner.

22 Q. At dinner at whose home?

23 A. Todd's.

24 Q. Where did you see him drinking the beer at
25 Todd's home?

1 A. At the dinner table.

2 Q. At the dinner table?

3 A. Yeah.

4 Q. Okay. Can you describe the room for me with
5 the dinner table?

6 A. It's like this.

7 Q. Okay. And do you recall where John was
8 sitting at the time?

9 A. At the table. I don't know exactly what
10 seat.

11 Q. Would it be fair to state that everybody
12 there at the table would have good visibility of everybody
13 else?

14 A. People were all over the place, so everybody
15 wasn't at the table.

16 Q. Okay. So based upon where people were
17 sitting or standing in this room, they may or may not have
18 seen John drink a beer then?

19 A. Correct.

20 Q. So there's a possibility, based upon the
21 description and layout of the room and where people were
22 in other rooms, they may or may not have had an
23 opportunity to see John -- or yeah -- John drinking a
24 beer?

25 A. I can't really attest to what other people

1 saw.

2 Q. It would be helpful if we maybe had some
3 photographs of this dining room to maybe help us show
4 where everybody was; would that be correct?

5 A. That's up to you.

6 Q. Um-hum. But you're absolutely certain that
7 you saw John drinking a beer at Todd's home on July 3; is
8 that correct?

9 A. Yes.

10 Q. Where was Todd when John was drinking the
11 beer?

12 A. No idea.

13 Q. Where was his wife, Beth, when he was
14 drinking the beer?

15 A. No idea.

16 Q. Do you know whether -- or how long did this
17 dinner take place for this party -- withdrawn. I'll
18 rephrase it because I know you don't like the word
19 "party."

20 A. It's just a dinner.

21 Q. Okay. The family dinner --

22 A. Um-hum.

23 Q. -- how long did this take place for?

24 A. I don't know. We were not there for long.

25 Q. Okay. How long were you there?

1 A. Maybe an hour. Jack had to go to bed.

2 Q. And did you drink while you were there at
3 Todd's for dinner?

4 A. I don't remember.

5 Q. Do you recall who else was drinking there?

6 A. Mark, my brother Steven had a glass of wine,
7 Patty had a glass of wine. I guess I had a glass of wine,
8 too.

9 Q. Anybody else that you recall?

10 A. No, I don't really remember.

11 Q. Okay. Do you know whether Joe was drinking?

12 A. I don't remember.

13 Q. Do you recall whether John just had the one
14 beer or he had maybe more than one beer?

15 A. Oh, I don't know what he drank.

16 Q. Do you recall what kind of beer it was?

17 A. No, no, I don't.

18 Q. Was this a family sit-down dinner?

19 A. No. It was kind of a buffet thing.

20 Q. Would everybody that had been at your home
21 on July 4 have been at this July 3 function at Todd's?

22 A. Not necessarily.

23 Q. Do you recall who was at Todd's on the 3?

24 A. No, not specifically. Just the few I
25 mentioned.

1 **Q.** And then you said that you saw John drinking
2 a beer at your home on the 4; is that correct?

3 **A.** It is correct.

4 **Q.** Okay. And where is it that you observed him
5 drinking this beer?

6 **A.** When he -- when they got there, they got a
7 beer.

8 **Q.** Okay. And as I understand it, there was a
9 cooler full of beer at your home for the function; is that
10 correct?

11 **A.** Several coolers full of beer, water, juice
12 boxes, soda, drinks for the kids, everything intermixed.

13 **Q.** Okay. So all the beer was together with the
14 juice and the water?

15 **A.** Yeah, and the other things I mentioned.

16 **Q.** And the other things. So they were all in
17 several coolers commingled so that there was beer in with
18 the juice and --

19 **A.** I have to take a break.

20 **MR. TUCCI:** Can we take a break? I think he
21 has some --

22 **THE WITNESS:** Yeah? Are you okay?

23 **MR. FOLEY:** Yeah, that's fine.

24 **VIDEO TECHNICIAN:** Going off the record at
25 10:48 a.m.

1 (Recess taken.)

2 VIDEO TECHNICIAN: We're back on the record
3 at 10:54 a.m.

4 BY MR. FOLEY:

5 Q. Before we took the break, we were talking
6 about the coolers and all the -- where the coolers --
7 actually, we didn't have a location of where the coolers
8 were. But I wanted to see if we can -- if you recall
9 where the coolers were?

10 A. I do. Along -- one on the side -- slide --
11 against the sliding glass door and, yeah, along that
12 fence.

13 (Deposition Exhibits Number 2-1 through 2-25
14 marked for identification.)

15 MR. FOLEY: I want to show you what I've had
16 marked as Exhibits 2-1 through 2-25. I'm going to
17 ask you --

18 MR. TUCCI: Can I see them for a second?

19 MR. FOLEY: Yep.

20 MR. TUCCI: Okay. Thank you.

21 BY MR. FOLEY:

22 Q. And I'd ask you to look through those photos
23 if you don't mind.

24 A. Okay.

25 Q. Okay. Now, those photographs that I've had

1 marked as Exhibit 1 -- 2-1 through 2-25, do any of those
2 photos show the area of where the coolers were?

3 A. Yes.

4 Q. Okay. Which ones -- which photograph best
5 depicts the area?

6 A. That.

7 Q. Okay. And that would be 2-1; is that
8 correct?

9 A. That?

10 Q. Yes.

11 A. Yes.

12 Q. Okay. I'd like you to, with a pen, please,
13 mark in the area where the coolers were?

14 A. Well, one's there.

15 Q. Okay. And I'm assuming -- okay. You've
16 drawn two Xs on here and a circle; is that correct?

17 A. That's what I drew, yes.

18 Q. Now, the Xs, are they intended to depict
19 where coolers were?

20 A. Yes.

21 Q. Okay. And the circle that you drew on
22 there, is that also intended to depict an area where a
23 cooler was?

24 A. That's where our cooler was.

25 Q. Now, when you say the one with the circle on

1 it is the one that has your cooler, now, the other --

2 where the Xs are, what are the Xs intended to depict?

3 A. Where other coolers were.

4 Q. Okay. And there's two Xs there; is that
5 correct?

6 A. Yes.

7 Q. Does that mean to indicate that there were
8 two other coolers?

9 A. There were other coolers; I don't know
10 exactly how many.

11 Q. Do you know whose coolers they were?

12 A. Nope.

13 Q. And in terms of the cooler or coolers that
14 had beer in them, where were those coolers located?

15 A. It was all intermixed in all of them.

16 Q. Okay. So all three of the coolers or do you
17 know how --

18 A. I don't know --

19 Q. You don't know the number of them?

20 A. Yeah, yeah.

21 Q. Could it have been ten, 15?

22 A. No, no, it wasn't ten or 15.

23 Q. Okay. What's your best estimate as to how
24 many --

25 A. Ours and two or three others at best.

1 **Q.** Okay. And had you looked in each side --
2 inside each one of the coolers?

3 **A.** No.

4 **Q.** Do you know which one had the beer or
5 whether all of them had beer?

6 **A.** All of them had beer.

7 **Q.** And did all of them also have juice
8 containers?

9 **A.** I think.

10 **Q.** And did all of them also have water?

11 **A.** I can't say for certain that all of them had
12 all these items you're talking about.

13 **Q.** Okay. Was there any one cooler in
14 particular that was separate from the others that would
15 have just contained beer only?

16 **A.** No, not that I know of.

17 **Q.** Now, you said that you saw Johnathon Byram
18 drink one beer while he was at your home; is that correct?

19 **A.** Yeah.

20 **Q.** Do you know what time that was
21 approximately?

22 **A.** When they got there.

23 **Q.** Do you know who Johnathon arrived with?

24 **A.** Not exactly. The driveway's on the other
25 side of the house.

1 **Q.** I'm sorry?

2 **A.** The driveway's on the other side of the
3 house.

4 **Q.** Where were you located when they arrived?

5 **A.** I was cooking.

6 **Q.** And did you see Johnathon come up and get a
7 beer out of one of the coolers?

8 **A.** Not exactly.

9 **Q.** You were cooking. Was -- and in Photograph
10 2-1 --

11 **A.** Um-hum.

12 **Q.** -- you see where the grill is; is that
13 correct?

14 **A.** Yeah.

15 **Q.** Is that the same place that the grill was
16 located on July 4?

17 **A.** Yeah.

18 **Q.** Okay. So you were standing there at the
19 grill when you saw John with a beer?

20 **A.** I saw John with a beer after that.

21 **Q.** Okay. When is it after that that you saw
22 John with the beer?

23 **A.** I don't know exactly. I spent an hour
24 cooking at least and bringing food to the table, in and
25 out.

1 **Q.** When you say "in and out," you mean going
2 into --

3 **A.** Going into this room and a table over here.

4 **Q.** Right. And you would cook the food and then
5 go back inside and then come back out and keep on cooking;
6 is that correct?

7 **A.** Back and forth, yep.

8 **Q.** And how many feet would you estimate is the
9 distance between where those coolers were located and the
10 kitchen table in the kitchen?

11 **A.** I don't know. You want me to guess?

12 MR. TUCCI: Don't guess, no.

13 MR. FOLEY: Your best estimate.

14 MR. TUCCI: If you have a best estimate, you
15 can give an estimate.

16 BY MR. FOLEY:

17 **A.** Best estimate, edge of the table is 15 feet.

18 **Q.** 15 feet. And so you were walking back and
19 forth between the grill and the kitchen table, which is
20 15 feet from, I'm assuming, the door entrance, would that
21 be correct, or would it be less than 15 feet?

22 **A.** I don't understand the question.

23 **Q.** Okay. When you said it was 15 feet, would
24 it be 15 feet from the coolers or would it -- to the
25 kitchen -- or to the table or would it be 15 feet from the

1 door that you walk into from the porch area to the kitchen
2 table?

3 A. I was talking about from the grill to the
4 kitchen table.

5 Q. Okay. A total of 15 feet?

6 A. About.

7 Q. And you were there for the first hour
8 cooking when everybody was there?

9 A. At least.

10 Q. Okay. And as I understand it, inside of
11 your kitchen there is a large refrigerator; is that
12 correct?

13 A. Yeah, a refrigerator.

14 Q. Um-hum. And then there's a smaller glass
15 door refrigerator over near the sink; is that correct?

16 A. Yep.

17 Q. And inside that glass door refrigerator, was
18 there beer in there, as well?

19 A. Yes.

20 Q. Now, whose beer was inside the glass door
21 refrigerator inside of your kitchen?

22 A. Ours.

23 Q. And inside your cooler with the circle on it
24 there on the porch, whose beer was inside there?

25 A. Ours.

1 **Q.** And in terms of the other two coolers, whose
2 beer was --

3 **MR. TUCCI:** I'm sorry. I think he said two
4 or three.

5 BY MR. FOLEY:

6 **Q.** -- or two or three coolers, whose beer was
7 inside of those?

8 **A.** Whoever brought them.

9 **Q.** Do you recall what kind of beer you had
10 inside of the refrigerator in your kitchen?

11 **A.** We drink Coors Lite and Corona Lite.

12 **Q.** Do you recall whether there was any other
13 kinds of beer there at your function on July 4, 2009?

14 **A.** I don't remember.

15 **Q.** Now, in addition to the beer being there,
16 there was also wine; is that correct?

17 **A.** Yes.

18 **Q.** What kind of wine was there?

19 **A.** A specific label, I don't know.

20 **Q.** Okay. Do you recall who supplied the wine
21 for the function?

22 **A.** No.

23 **Q.** Now, I think you mentioned that you saw John
24 drinking one beer at your house; correct?

25 **A.** That's all I remember, yeah.

1 **Q.** Did you ever see Joe drinking any beer?

2 **A.** I don't remember.

3 **Q.** You don't recall seeing him drink any beer
4 at any time during that evening?

5 **A.** Not that I remember. We were busy chasing
6 the kids and paying attention to my mother. I don't
7 really recall.

8 **Q.** I think you said that your mother was the
9 first one to go home around 10:00 --

10 **A.** I believe so.

11 **Q.** -- is that correct?

12 **A.** Yeah, I think so.

13 **Q.** And your children, they were younger,
14 weren't they?

15 **A.** Yeah. Well, they would have been two years
16 younger than what I gave you.

17 **Q.** They would have been nine, seven, and two
18 and a half?

19 **A.** About.

20 **Q.** What time did they go to bed?

21 **A.** Right after the fireworks.

22 **Q.** And as I recall, the fireworks were about
23 9:00; would that be correct?

24 **A.** Probably a little later. I don't think it's
25 quite dark enough at 9:00.

1 **Q.** Do you recall what time the fireworks were?
2 **A.** No, just right after dark, you know, pitch
3 black dark.

4 **Q.** So for the first hour from about 5:00 until
5 6:00/6:30, you were cooking; is that correct?

6 **A.** Not from 5:00 but from probably 5:30 to, you
7 know, 6:30/7:00 would be a better estimate. And cooking
8 and chasing Jack who was playing outside and chasing the
9 other kids, all the things that go along with being a
10 parent.

11 **Q.** And then, after that, what do you recall
12 doing next if you can tell me?

13 **A.** The only thing I really remember after that
14 was setting up for the fireworks and actually spending
15 some time in the house talking to my mom.

16 **Q.** What kind of fireworks did you have?

17 **A.** I don't know.

18 **Q.** Who supplied the fireworks?

19 **A.** I don't know.

20 **Q.** Where did you get them from to set them up?

21 **A.** They were in my barn.

22 **Q.** How did they get to your barn?

23 **A.** I don't know.

24 **Q.** Were the fireworks legal?

25 **A.** I have no -- I don't know that. I guess.

1 **Q.** Who lit off the fireworks?

2 **A.** Myself and my brothers.

3 **Q.** What fireworks did you light off that you
4 recall, remember lighting off?

5 **A.** You know, I don't know. I don't know the
6 names of them.

7 **Q.** Okay. Were there any inside of canister
8 shells that shoot up into the air and explode?

9 **A.** I don't remember.

10 **Q.** Okay.

11 **A.** We do it every year.

12 **Q.** How did the fireworks get into your barn in
13 the years before that?

14 **A.** Varies. I don't know.

15 **Q.** When you say "various," can you tell --
16 explain to me --

17 **A.** I'm sorry. Varies, it varies.

18 **Q.** It varies?

19 **A.** Yeah. I don't know who brings them.

20 **Q.** They just -- withdrawn.

21 Had you ever purchased fireworks for any of
22 these functions?

23 **A.** Yes. Last year.

24 **Q.** Was that the first year that you'd purchased
25 the fireworks for the function?

1 A. Yes.

2 Q. In years past, do you remember who purchased
3 the fireworks for the function?

4 A. I don't. I'm sorry.

5 Q. What kind of food was being served on
6 July 4, 2009?

7 A. Hamburgs, hot dogs, sausage and peppers, all
8 kinds of appetizers, chips, dips, salads, and all kinds of
9 stuff.

10 Q. When you say "all kinds of appetizers," what
11 appetizers do you remember?

12 A. Chips and dips is all I remember.

13 Q. What kinds of salads were being served?

14 A. I don't know. I don't eat salad.

15 Q. And then hamburgers, hot dogs, sausage and
16 peppers. Anything else?

17 A. Not that I remember.

18 Q. Okay. Were there desserts?

19 A. Oh, I'm sure for the kids.

20 Q. Do you recall what kind of desserts?

21 A. I don't.

22 Q. Do you recall what time -- what time
23 everybody ate?

24 A. As soon as we got there, we ate.

25 Q. Well, you spent from 5:30 to approximately

1 6:30 cooking and then I think you said you set up the
2 fireworks and I think you said that you went inside and
3 sat down and spoke with your mother; is that correct?

4 A. That is what I said.

5 Q. Do you recall doing anything else during the
6 time period from 5:30 until whenever it got dark enough to
7 set off the fireworks?

8 A. Just chasing Jack around.

9 Q. Did you have any interaction during this
10 time period, between 5:30 and whenever the fireworks were
11 set off, did you have any interactions with Mark that you
12 remember?

13 A. No. I remember Marky chasing around the
14 kids, having a water gun fight.

15 Q. How about Joe Connors?

16 A. No.

17 Q. Did you have any interactions with John
18 Byram?

19 A. None.

20 Q. And that would have been all the way up
21 until the time that the fireworks were set off; would that
22 be accurate?

23 A. Yes, as far as I remember, yeah.

24 Q. How long did it take for the fireworks to be
25 set off?

1 A. Fifteen, 20 minutes, I guess.

2 Q. Did you happen to observe what everybody
3 else was doing during that time period up until when the
4 fireworks were set off?

5 A. Usually they sit on my front porch. For the
6 fireworks, I'm talking about.

7 Q. Okay. Now, but prior to the fireworks, do
8 you recall -- I think you recalled what Mark was doing in
9 chasing around the other kids and having a squirt gun
10 fight. Do you recall what Mark or John was doing?

11 A. Well, Mark, I just told you.

12 Q. Okay. I'm sorry. Mark -- Joe or John?

13 A. No, I don't. There were people all over the
14 place. There were people up at the horse shoe pit. There
15 were people playing volley ball. There were people in the
16 barns. The kids were running around. No.

17 Q. Do you recall whether anybody was riding the
18 ATVs or RUVs during this time period?

19 A. I don't remember that.

20 Q. Do you own an ATV or RUV?

21 A. I do.

22 Q. Do you own more than one?

23 A. Yes.

24 Q. In 2009, on July 4, 2009, how many did you
25 own?

1 A. I don't know exactly.

2 Q. How many do you own today?

3 A. Three.

4 Q. Do you know whether anybody was out riding
5 the RUVs you owned on July 4, 2009?

6 A. They would not have been.

7 Q. Okay. Can you tell me why they would not
8 have been?

9 A. Because they were in the barn. That's where
10 I had to go get Jack because he was climbing on them.

11 Q. Did you ever at any time observe Joe Connors
12 going into your refrigerator in your kitchen with the
13 glass door where the beer was --

14 A. Absolutely --

15 Q. You have to wait --

16 MR. TUCCI: You have to wait until he
17 finishes his question.

18 BY MR. FOLEY:

19 A. I'm sorry.

20 Q. Did you ever observe at any time on the day
21 of July 4 or the early morning hours of July 5, 2009,
22 observe Joe Connors going into the refrigerator in your
23 kitchen with the glass door and taking a beer from it?

24 A. No, absolutely not.

25 Q. Why do you say "absolutely not"?

1 A. Because that beer was for personal use and
2 not for the party.

3 **Q.** Was there a difference between the beer that
4 was inside in that refrigerator versus the beer that was
5 in your cooler that you've marked off with the circle that
6 was sitting on your porch?

7 A. Can you -- what do you mean, "difference"?

8 **Q.** Well, was there something special or unique
9 about the beer that was inside the refrigerator in your
10 kitchen that was different from the beer that was in the
11 cooler that you'd said was here sitting on your front
12 porch?

13 A. Yeah. This was for the picnic and what was
14 in the kitchen was for us.

15 **Q.** Okay. Same brand?

16 A. I don't know. I would assume but I don't
17 know.

18 **Q.** Was there anything unique about it or
19 different that it was a special stock or something?

20 A. No. You already asked me that.

21 **Q.** Would it have been the same type of beer?

22 A. You asked me that, as well. I don't know.

23 **Q.** Did you tell anybody that they should not go
24 into your kitchen, into the refrigerator and remove a beer
25 from the -- from the refrigerator?

1 A. No.

2 Q. Did you give anybody instructions and say,
3 "Okay. You can drink the beer from this cooler but you
4 cannot drink the beer from the refrigerator"?

5 A. It was known that the coolers were for the
6 picnic.

7 Q. How was it known?

8 A. Because it's been that way for years since
9 we've had it.

10 Q. Were there any special instructions given to
11 John Byram or Joe Connors who had just come to this picnic
12 for the first time that says, "Stay away from the
13 refrigerator. Only take the beer out of the cooler"?

14 MR. TUCCI: By Mr. Jim Renahan?

15 BY MR. FOLEY:

16 Q. By Mr. Jim Renahan or to anyone else to your
17 knowledge?

18 A. Not to my knowledge.

19 Q. Going back to July 4, 2009, did you know how
20 old John Byram was?

21 A. No.

22 Q. Going back to July 4, 2009, did you know how
23 old Joe Connors was?

24 A. No.

25 Q. Going back to July 4, 2009, did you know how

1 old Mark, your nephew, was?

2 A. Yes.

3 Q. Okay. And how old was Mark?

4 A. Twenty-one.

5 Q. Do you know what his date of birth is?

6 A. Yeah. April 17.

7 Q. Do you know what year?

8 A. I don't.

9 Q. When you saw John Byram drinking a beer at
10 your home, did you ask him how old he was?

11 A. No.

12 Q. Did you say to him -- did you have any
13 discussion with him about drinking alcohol at your home?

14 A. No.

15 Q. Did you make any effort to try and stop him
16 from drinking alcohol?

17 A. Why would I?

18 Q. Do you recall what beer -- what type of beer
19 he was drinking?

20 A. I don't.

21 Q. Do you know where he got the beer from?

22 A. I don't.

23 Q. The beer in the cooler that you drew the
24 circle around that was sitting on your porch, who was that
25 beer for?

1 A. Any adult at the party.

2 Q. Any adult at the party?

3 A. Any adult at the picnic.

4 Q. So anyone could go up and take a beer out of
5 the cooler?

6 A. Yes, any adult.

7 Q. Well, when you say "adult," can you tell me
8 what you mean by "adult"?

9 A. I mean someone who is of legal age to drink.

10 Q. Did you make any effort to verify whether or
11 not John Byram or Joseph Connors were of a legal age to
12 drink?

13 A. They showed up two days before drinking beer
14 with my nephew who's 21 years old.

15 Q. Where were they drinking that beer?

16 A. I told you about that earlier. When they
17 got out of the car.

18 Q. So based upon that, you assumed that they
19 were of legal age?

20 A. I did.

21 Q. You now know that John and Joe were not of
22 legal age; is that correct?

23 A. I know that now, yes.

24 Q. Okay. Based upon what you know now, would
25 you have done something different back on July 4, 2009?

1 MR. TUCCI: I object to the question.

2 MR. FOLEY: Objection is noted.

3 MR. TUCCI: You can answer the question.

4 BY MR. FOLEY:

5 A. Explain to me. So now that I know they're
6 under age, is what you're asking me, would I have done
7 anything differently?

8 Q. Yes.

9 A. Yeah. They wouldn't have drank at my house.

10 Q. And why is that?

11 A. Because they're not of a legal age to drink.
12 We didn't know these kids at all. We did not know these
13 young men. We did not know they were coming. We assumed,
14 when they showed up with a person who is of legal age,
15 that they were legally able to drink and of the same age
16 as Mark.

17 Q. And based upon that assumption, you did
18 nothing to stop them from drinking back on July 4, 2009?

19 A. Yes. I told you that.

20 Q. The property there that you own, is that
21 owned by your wife, as well?

22 A. Actually, no.

23 Q. No. The function which we won't call a
24 party, was that being hosted by you and your wife?

25 A. Yes.

1 **Q.** The beer that was in your cooler that was on
2 the front porch, that was owned by you and your wife?

3 **A.** I guess.

4 **Q.** The beer that was in the refrigerator, in
5 the glass refrigerator, the small refrigerator, in your
6 kitchen, was that beer that was owned by you and your
7 wife?

8 **A.** Yes.

9 **Q.** Now, you were out at the campfire until
10 approximately 2:30; is that correct?

11 **A.** That's what we talked about.

12 **Q.** Okay. And your wife, Patty, was she there
13 at the campfire with you the entire time?

14 **A.** Not -- I can't say the entire time.

15 **Q.** Okay. And as I understand it, your nephew
16 Mark was there, as well; is that correct?

17 **A.** Correct.

18 **Q.** Did you and Mark have any conversation while
19 you were there at the campfire?

20 **A.** We did.

21 **Q.** Okay. How long was your conversation with
22 him?

23 **A.** I don't know.

24 **Q.** Fifteen minutes, an hour, two hours?

25 **A.** Not an hour or two.

1 **Q.** Okay. And what did you and Mark talk about?

2 **A.** What happened between his father and mother.

3 **Q.** They are divorced; is that correct?

4 **A.** Yes, yes.

5 **Q.** And is there any reason specifically why you
6 had had that conversation with him at that point in time
7 or is it just --

8 **A.** He likes to talk to me.

9 **Q.** You're close to him?

10 **A.** Yeah.

11 **Q.** Was he having any difficulties or problems
12 in adjusting to the fact that his mother and father were
13 divorced?

14 **A.** No.

15 **Q.** Do you recall generally what the discussion
16 was?

17 **A.** Yes.

18 **Q.** Can you tell us what that was?

19 **A.** I don't think it's anybody's business.

20 **Q.** How did he appear to you when you were
21 talking to him?

22 **A.** Fine.

23 **Q.** Had you and Mark always been close?

24 **A.** Yeah, I would say.

25 **Q.** Would you be the person that he would call

1 if he had a problem and he wanted to talk about it?

2 A. I don't know.

3 Q. Are you still close today?

4 A. Yes.

5 Q. How did he appear to you during that
6 conversation?

7 A. Fine.

8 Q. Did he appear in any way intoxicated to you?

9 A. No.

10 Q. Was there any slurred speech?

11 A. No.

12 Q. Did you have -- was there enough light to
13 see his eyes at that point in time?

14 A. Not really, just light by the fire.

15 Q. Did he appear disheveled or dirty at any --
16 during -- at that point in time?

17 A. Dirty?

18 Q. Disheveled or dirty, yeah.

19 A. What do you mean, dirty? You mean, like,
20 dirt on him?

21 Q. Covered in dirt, yeah.

22 A. No, not that I remember.

23 Q. I'm sorry?

24 A. Not that I remember.

25 Q. Did he appear to be covered in soot from the

1 fire?

2 A. Didn't -- I didn't take notice to any of
3 that.

4 Q. When you got up from the fire when you went
5 into the -- into your bedroom to go to bed, did you --
6 were you covered in soot from the fire?

7 A. No, not that I recall.

8 Q. Generally how was his appearance to you?
9 What do you remember about his appearance at that point in
10 time?

11 MR. KUNKLE: Objection. Asked and answered.

12 MR. TUCCI: You can answer the question.

13 BY MR. FOLEY:

14 A. Oh, I don't remember anything about his
15 appearance.

16 Q. In that two-hour period before you went to
17 bed, had he been sitting there the entire time to the best
18 of your recollection?

19 A. To the best of my recollection.

20 Q. Had he been -- who built the fire?

21 A. Me, I assume.

22 Q. Do you know if your nephew Mark was lighting
23 the fire or throwing logs onto it or in any way --

24 A. I don't really know specifically. Whoever
25 is up there, feeds the fire. Is that what you're talking

1 about?

2 Q. Yeah.

3 A. Yeah.

4 Q. But you recall yourself building the fire;
5 correct?

6 A. Yeah, that -- earlier that -- before the
7 event.

8 Q. And while you were up there during that
9 two-hour period, I assume that you were feeding the fire;
10 is that correct?

11 A. Probably.

12 Q. Aside from the locations that we've spoken
13 about already about where alcohol was or beer was, was
14 there any other locations, to your knowledge, where beer
15 was?

16 A. No.

17 Q. Okay. When John and Joe had left to go get
18 the sweatshirts, did you see them ride off on the ATV or
19 RUV I guess it would be called?

20 A. Not really.

21 Q. Where were you when they left?

22 A. Fire pit.

23 Q. Okay. And where was the RUV?

24 A. I don't know.

25 Q. Okay. Were they -- they were at the fire --

1 A. Yeah.

2 Q. -- before they left to go get sweatshirts;
3 is that correct?

4 A. I guess.

5 Q. And you saw them walk away; is that correct?

6 A. I guess.

7 Q. Can you look at 2-16?

8 A. Sure.

9 MR. GORDON: Kevin --

10 MR. FOLEY: 2-16. I'm sorry.

11 MR. WILSON: I don't think we have these.

12 MR. TUCCI: I'll just pass them around so
13 everybody knows which one we're talking about.

14 MR. FOLEY: Okay.

15 MR. GORDON: Thanks.

16 MR. WILSON: Thanks.

17 BY MR. FOLEY:

18 Q. Okay. Now, Photograph Number 2-16, that
19 shows the fire pit; is that correct?

20 A. That would be it.

21 Q. It actually shows where the logs are
22 stacked; is that correct?

23 A. Where they're stacked now.

24 Q. Where they're stacked now, not where they
25 were on the date -- on July 4, 2009?

1 A. I can't be certain of that.

2 Q. Okay. But it also shows the area of -- or
3 it shows your home; is that correct?

4 A. Yes.

5 Q. And it also shows the driveway area; is that
6 correct?

7 A. Yes.

8 Q. And as John and Joe walked away to go get on
9 an RUV, you're saying that you couldn't see where they
10 were going to to get on the RUV?

11 A. I didn't paying any attention. I don't know
12 where they went.

13 Q. Do you recall how you were seated at the
14 fire?

15 A. Right there.

16 MR. TUCCI: You have to put -- can I give
17 him a marker for you?

18 MR. FOLEY: Please mark it right off.

19 MR. TUCCI: Put your initials inside that.

20 THE WITNESS: Yeah.

21 MR. TUCCI: Okay.

22 BY MR. FOLEY:

23 Q. So you had your back to the driveway?

24 A. Yes.

25 Q. Do you recall where Mark was seated?

1 A. Yeah.

2 Q. Please mark it.

3 MR. TUCCI: Just put his initials where
4 you....

5 BY MR. FOLEY:

6 Q. Are the chairs in the same location that
7 they were in -- now, these photographs were taken a little
8 bit over two years later?

9 A. I put them back for you.

10 Q. Thank you.

11 A. You're welcome.

12 Q. And the bench is in the same location that
13 it would have been in?

14 A. Yeah.

15 Q. So you would have been sitting right next to
16 Mark, less than a foot or two away from them; would that
17 be correct?

18 A. Yeah, yep.

19 Q. When they came back to -- from going to get
20 their sweatshirts, where were you seated at that point in
21 time?

22 A. I moved over to here.

23 Q. If we can, I'd like to use a different pen,
24 if you don't mind, and have you use a red one now.
25 Previously you used a blue; is that correct?

1 A. I used whatever Jack gave me and then I used
2 a blue one. Now I'm using a red one.

3 **Q.** Okay. So now you would have been seated in
4 a seat that would have faced the fire but then would have
5 had the driveway and your home in view; is that correct?

6 A. You'd never see either in the darkness.
7 It's pitch black.

8 **Q.** It was pitch black that night?

9 A. I don't know that it was pitch black
10 specifically that night. But you can't see anything from
11 the fire. There's no lights.

12 **Q.** Do you remember whether there was a full
13 moon that night?

14 A. No.

15 **Q.** Okay. And the RUV that the boys were
16 riding, did it have a light on it?

17 A. I know now that it has a light on it. I
18 didn't know what they rode that night.

19 **Q.** Okay. And as they returned and drove back
20 up the driveway, you couldn't see the light?

21 A. I didn't pay any attention to it.

22 **Q.** But based upon what you're saying, you had a
23 view of that area; correct?

24 A. You can see down to the driveway.

25 **Q.** And as you sit here today, you don't recall

1 them coming back?

2 A. I'm sorry.

3 Q. Do you recall whether they came straight up
4 to the fire at all before -- or when they got back?

5 A. I don't.

6 Q. Do you know what they did when they came
7 back?

8 A. I don't.

9 Q. How long after they came back was it before
10 you went to bed?

11 A. Minutes.

12 Q. So when they came back, you had gotten up
13 and walked down to -- you and your wife had walked down to
14 the house; is that correct?

15 A. Yes.

16 Q. And then you just went straight in and went
17 right to bed?

18 A. I did.

19 Q. Did you speak to the boys at all?

20 A. I did not.

21 Q. Now, you walked -- in terms of -- withdrawn.

22 Where is your bedroom located in
23 relationship to the kitchen area there?

24 A. It's right off the kitchen.

25 Q. Is it on the first floor?

1 A. Yes.

2 Q. Can we see in any of those photographs that
3 I've given to you, 2-1 through 25, the windows for your
4 bedroom?

5 A. No. They're all dark.

6 Q. I'm sorry?

7 A. They're -- I'm sorry. They're all dark.

8 MR. TUCCI: Well, just take a look through
9 all the photos. Is there a view that would show
10 your bedroom window?

11 BY MR. FOLEY:

12 Q. How about 2-16, if you can look at 2-16
13 again, since we've used that, does that show the area of
14 where your bedroom would be located?

15 A. Yes. The corner.

16 Q. So yours -- if we could with a blue -- we
17 already marked that. How about we'll mark 2-17? If you
18 can show me with an arrow where your bedroom -- bedroom
19 would be in the house?

20 A. (Nonverbal response.)

21 Q. So where the -- do you need to take another
22 phone call?

23 A. No. I just needed to check something.

24 Sorry.

25 Q. Okay. Do you see the blue truck there?

1 A. Yeah.

2 Q. Now, your bedroom would be the room closest
3 to where the blue truck would be; is that correct?

4 A. Yeah.

5 Q. Okay. And the blue truck is parked in the
6 driveway; is that correct?

7 A. It's parked on the pathway to the barn.

8 Q. Okay. Whose blue truck is that?

9 A. My truck.

10 Q. Okay. Is that where you usually park?

11 A. Yes.

12 Q. Okay. Do you recall where the boys had
13 parked the RUV when they came back that night?

14 A. I don't.

15 Q. Then you went from the fire with your wife,
16 Patty, and you walked down and you went into the back door
17 and then into your bedroom; is that correct?

18 A. Yeah. By "back door," do you mean that
19 door?

20 Q. That door right here that's depicted in 2-1
21 which is the one that's in the area that would be between
22 the grill and --

23 A. Yeah.

24 Q. -- where the kitchen table --

25 A. Yeah.

1 **Q.** -- that we were talking about earlier; is
2 that correct?

3 **A.** That's correct.

4 **Q.** And when you walked in there, the boys were
5 in there at the table; is that correct?

6 **A.** No.

7 **Q.** Where were they?

8 **A.** They were coming in behind me.

9 **Q.** And you didn't say anything to them or speak
10 to them in any way?

11 **A.** No. I went to bed.

12 **Q.** Did you look at them at all?

13 **A.** I looked back and saw they were coming in.

14 **Q.** Did you say hi to them?

15 **A.** I don't remember.

16 **Q.** Do you remember anything unusual about their
17 appearance then?

18 **A.** No, I don't.

19 **Q.** When you say they were walking behind you,
20 were they walking up the -- do you recall which stairwell
21 they walked up onto to get onto the porch?

22 **A.** I don't.

23 **Q.** So immediately upon their return to the
24 house is when you went to bed?

25 **A.** Yes.

1 **Q.** And do you recall what time they left your
2 house?

3 **A.** I have no idea. I went to bed.

4 **Q.** Now, you said that your wife, Patty, was
5 out -- didn't come to bed for another ten minutes or so;
6 is that correct?

7 **A.** About, yeah.

8 **Q.** Do you know what she was doing?

9 **A.** I think she was making the boys food.

10 **Q.** When did you first hear that the RUV had
11 rolled over and John Byram was dead?

12 **A.** My brother Steven called.

13 **Q.** When was that?

14 **A.** I don't know. 5:30 in the morning maybe,
15 5:00 in the morning. I'm not sure.

16 **Q.** What did he say?

17 **A.** He said, "There's been an accident. Get
18 up." And then he came over.

19 **Q.** And he came over to your home?

20 **A.** He came to my house.

21 **Q.** He called you on the phone first, though, to
22 wake you up?

23 **A.** Yeah.

24 **Q.** And do you recall that phone call being
25 about 5:30?

1 A. 5:00/5:30. I don't really remember
2 actually.

3 Q. What do you recall about when he arrived at
4 the house?

5 A. Came charging in and said that there's been
6 an accident and John is hurt and possibly dead.

7 Q. What did you do next?

8 A. Consoled my wife who was crying.

9 Q. And how long were you consoling your wife?

10 A. I was at my house all day. I never went
11 anywhere else. Well, I went home around 3:00, so I
12 shouldn't say "all day." Sorry.

13 Q. When you say you went home around 3:00, that
14 would have been July 5, 2009?

15 A. Yeah.

16 Q. And it was about 3:00 that you went back to
17 Malvern?

18 A. Yes.

19 Q. Did both you, your wife, and your children
20 all go back to Malvern around 3:00 at that time?

21 A. No. My wife went home with my mother and
22 the kids went with them.

23 Q. Where does your mother -- where did your
24 mother live?

25 A. Waterford, Connecticut.

1 **Q.** Did your wife drive your mother back to
2 Waterford, if you know?

3 **A.** Sorry. I don't know.

4 **Q.** I'm sorry. I know it's a difficult subject.
5 But how old was your mother?

6 **A.** Seventy-eight, I think.

7 **Q.** She would have been is that 78 --

8 **A.** When she died.

9 **Q.** When she passed away. So she would have
10 been 76 or 77?

11 **A.** Somewhere around there.

12 **Q.** Tell me about the day of July 5 from the
13 time period of about 5:30 up until 3:00, when you left the
14 home. What do you recall doing?

15 **A.** The police came over. They came to the
16 wrong house. I asked him what he was doing on my land.
17 He wouldn't tell me. My mom came over and then went home
18 with Patty. My sister got up and left.

19 Then I cleaned up and I waited around for
20 somebody to come talk to me because I thought that someone
21 would want to talk to us and no one ever did. So I got up
22 and went home.

23 **Q.** Was it always your intention to go back
24 on -- go home back to Malvern on July 5?

25 **A.** I don't know. I don't remember. What day

1 was it; do you know?

2 Q. I do not know.

3 A. Yeah, it would depend on what day of the
4 week it was.

5 Q. Why is it it would depend on which day of
6 the week it was?

7 A. Because sometimes we'd take off before and
8 sometimes we'd take after and I don't know what we did
9 that year.

10 Q. Okay. Can I see that? Assuming Sunday --
11 July 5 was a Sunday, would that have been your plan then
12 to return back to Malvern?

13 A. I probably would have went back to work,
14 yes.

15 Q. How long was your wife -- withdrawn.

16 You said the police came to the wrong house.
17 What time did they get to your house?

18 A. I don't know exactly. I would guess and say
19 --

20 MR. TUCCI: Don't guess. You can give us an
21 estimate but don't guess at anything.

22 THE WITNESS: All right.

23 BY MR. FOLEY:

24 Q. What's your best estimate?

25 A. My best estimate is 8:00 -- between 8:00 and

1 9:00.

2 Q. And how long were they there?

3 A. Oh, he just walked onto my property and
4 realized he was at the wrong house and turned around and
5 left.

6 Q. Did you speak to him at all?

7 A. I asked him what he was doing. He said it
8 was a private matter.

9 Q. Was there anything -- any other words
10 discussed between the two of you?

11 A. No. He was very blunt.

12 Q. You said also that your brother Steven had
13 come over between 5:00 and 5:30; is that correct?

14 A. I said he'd come over. I didn't really say
15 about what time. He came over after he called.

16 Q. The call you recall coming at about 5:00 or
17 5:30?

18 A. Around there, yeah.

19 Q. Was the call to you on the cellphone or was
20 it on the house phone?

21 A. The house phone. The cellphone was still --
22 ours don't work up there.

23 Q. Okay. And how long to your brother's house?

24 A. Five minutes at best.

25 Q. Do you recall what -- what was the reason

1 why Steve came over?

2 A. I don't know. You'd have to ask him.

3 Q. Do you recall what he did while he was
4 there?

5 A. Came over and told us what I told you and
6 left.

7 Q. As I understood it, he called, though, when
8 he told you what happened; is that correct?

9 A. He called, then he came over.

10 Q. I -- I'm not trying to put words in your
11 mouth but I thought you had testified that your brother
12 Steven called, said there'd been an accident, said,
13 "John's been hurt, possibly dead. Get up." Is that
14 correct?

15 A. I don't know about the "get up" part but
16 he -- right after that call, he came over.

17 Q. And he basically said the same thing?

18 A. Yes.

19 Q. Nothing different?

20 A. Not that I remember.

21 Q. He was only there for about five minutes?

22 A. He was in and out.

23 Q. Did he go anywhere other than into your
24 kitchen area to tell you this?

25 A. Not that I remember.

1 **Q.** Do you recall how -- how he got to your
2 home?

3 **A.** He drove his truck.

4 **Q.** Was anything else discussed other than him
5 telling you that Johnathon was possibly dead or injured?

6 **A.** No.

7 **Q.** How long after the phone call was it before
8 Steven had arrived at your house?

9 **A.** I don't know. Five minutes.

10 **Q.** And then he was there for five minutes and
11 he left; is that correct?

12 **A.** About.

13 **Q.** Did he use your phone at all while he was
14 there at your house?

15 **A.** No.

16 **Q.** What is your phone number for your home on
17 Minkler Road?

18 **A.** 570-224-4986.

19 **Q.** Do you know who the phone carrier is up
20 there?

21 **A.** No.

22 **Q.** Did you do anything other than what you've
23 told us about already during the time period of 5:00 and
24 3:00 when you left the home?

25 **A.** I watched TV.

1 **Q.** Anything else?

2 **A.** Not that I remember.

3 **Q.** Did anyone other than Steven come over
4 during that time period over to your home?

5 **A.** My mom came over and Ricky came over, I
6 think.

7 **Q.** Do you recall what time Ricky came over?

8 **A.** No.

9 **Q.** Do you recall what the purpose of Ricky's
10 trip over to your house was?

11 **A.** Say goodbye.

12 **Q.** Ricky is from Connecticut, as well; is that
13 correct?

14 **A.** Yes.

15 **Q.** Do you recall what time he came over to say
16 goodbye?

17 **A.** No. I already told you I didn't.

18 **Q.** Do you know whether Ricky had brought any
19 cooler to your home on July 5?

20 **A.** I don't know. You asked me. I don't know.

21 **Q.** Do you know whether your brother Steven had
22 brought any coolers?

23 **A.** I don't. I don't know who brought what.

24 **Q.** Did you speak to Mark at all on July 5,
25 2009?

1 A. No.

2 Q. When is the first time that you spoke to
3 Mark following July 5, 2009 that you recall?

4 A. I have no idea.

5 Q. Did you ever have any conversations with him
6 about what had happened on that evening when they left
7 your home on the RUV?

8 A. I don't -- I don't know. Specifically, I
9 don't know.

10 Q. Did you ever have any conversations with him
11 about how he felt about what had happened that evening?

12 A. Yes.

13 Q. Okay. Do you recall when that was?

14 A. No.

15 Q. Do you recall what was discussed?

16 A. No.

17 Q. Do you have any specific recollection of
18 what you said or what he said?

19 A. No.

20 Q. But you do recall that you did have a
21 discussion?

22 A. I do, yeah.

23 Q. Do you know where your discussion took
24 place?

25 A. No.

1 **Q.** Did you have a family picnic or function on
2 July 4, 2010?

3 **A.** Yes.

4 **Q.** Was that at your home again?

5 **A.** Yes.

6 **Q.** And are you having another picnic on July 4,
7 2011, which is a week away?

8 **A.** Yes.

9 **Q.** What is your understanding as to what had
10 happened when Joe, Mark, and John had left your home and
11 were headed back to Todd's home?

12 **A.** I don't have any understanding of what
13 happened.

14 **Q.** Okay. You never asked Mark what happened?

15 **A.** (Nonverbal response.)

16 **Q.** You have to verbalize.

17 MR. TUCCI: You have to say yes or no.

18 BY MR. FOLEY:

19 **A.** Oh, I'm sorry. No.

20 **Q.** Did you ever ask Todd about it?

21 **A.** Todd doesn't talk much.

22 **Q.** Did you ever have any conversation with Todd
23 after the incident, about what had happened that evening?

24 **A.** I was -- I was present when the attorney
25 that was representing Mark met with all of us.

1 **Q.** Okay. Tell me what you remember about that?

2 **A.** Just them telling us what's probably going
3 to happen.

4 **Q.** What did he tell you?

5 **A.** He told us that Mark's going to face a, you
6 know, criminal trial and we're going to get sued.

7 **Q.** And when did that happen?

8 **A.** I don't know exactly.

9 **Q.** Was that before the lawsuit had been filed?

10 **A.** Yes.

11 **Q.** Was that before the criminal charges had
12 been filed?

13 **A.** I don't know that.

14 **Q.** But the attorney had told you that you're
15 probably going to get sued?

16 **A.** Yes.

17 **Q.** And that was before any lawsuit was brought?

18 **A.** Yeah.

19 **Q.** What was the purpose of this attorney
20 telling you that; do you know?

21 **A.** I don't know why.

22 **Q.** Did he tell you why you would be sued?

23 **A.** No.

24 **Q.** How long was the meeting with Mark's
25 attorney where he had told you that he thought that you

1 would be sued?

2 A. I don't remember.

3 Q. Did he give you any advice?

4 A. No. He wasn't my lawyer.

5 Q. Did you overhear him give Mark any advice?

6 A. No.

7 Q. Do you remember who was present at the
8 meeting?

9 A. Some people.

10 Q. Some people?

11 A. No. I remember some of them.

12 Q. Okay. Who were some of the people?

13 A. Ricky and Steven -- no, Ricky wasn't there.
14 Steven and I and Todd, I remember, and Mark.

15 Q. Was Joe there?

16 A. I don't remember.

17 Q. And the attorney who had told you that he
18 thought that you might be sued, was that Randy Borden?

19 A. Yes.

20 Q. How many meetings did you have with Randy
21 Borden?

22 A. Two.

23 Q. Okay. And did those -- or one of them you
24 told us about. When was the other one?

25 A. Right before the criminal trial.

1 **Q.** And what was discussed at that point?

2 **A.** Who was going to testify.

3 **Q.** Who was present at that meeting?

4 **A.** I remember my mom being there, I was there,
5 Todd was there, Mark was there, Mark's mother was there,
6 Beth was there. That's all I remember.

7 **Q.** Do you know what was discussed at that
8 meeting?

9 **A.** It was individual meetings with Randy, so I
10 don't know.

11 **Q.** What did Mr. Borden discuss with you?

12 **A.** Just that I was going to testify.

13 **Q.** Did he go over your testimony with you?

14 **A.** Not -- not really. Just told me to tell the
15 truth.

16 **Q.** Did you have any discussions about times and
17 when people left the party or when the party started?

18 **A.** No, I don't really remember a lot of that.

19 **Q.** Aside from that first meeting or whether it
20 was a first meeting or the second meeting that you heard
21 Todd talking about what the -- what had happened that
22 night, were there any other occasions --

23 **A.** Not really.

24 **Q.** -- where you had heard --

25 **MR. TUCCI:** Just let him finish the

1 question.

2 THE WITNESS: Okay. Yeah, I thought he was
3 done.

4 BY MR. FOLEY:

5 Q. Were there any other occasions that you
6 overheard Todd talking about what had happened on -- or
7 the evening hours of July 4 or the early morning hours of
8 July 5, 2009?

9 A. Not that I remember.

10 Q. Is there any reason that you didn't ask him
11 what had happened?

12 A. No. It's just none of my business.

13 Q. You just weren't curious on some occasion
14 and said, "Hey, you know, what do you -- what happened
15 here?"

16 MR. TUCCI: Well, I object. He answered the
17 question that you asked.

18 BY MR. FOLEY:

19 Q. Were you ever curious and said to Mark,
20 "Hey, Mark, what happened that night?"

21 A. Nope.

22 Q. Did you ever have any discussions with your
23 brother Rick as to what had happened that night?

24 A. No.

25 Q. Never curious enough to ask anybody that was

1 there as to what happened?

2 A. No.

3 Q. Is that because you thought it wasn't any of
4 your business?

5 A. That's what I said.

6 Q. Aside from your attorney, Attorney Tucci,
7 have you had any discussions with anybody else regarding
8 what had happened on the evening of July 4, 2009 and/or
9 the early morning hours of July 5, 2009?

10 MR. TUCCI: Just for your edification, he
11 does have personal counsel, Mark Zimmer, who he's
12 had conversations with, also, besides from myself.

13 BY MR. FOLEY:

14 Q. Aside from Mr. Tucci and Mr. Zimmer, had you
15 had conversations?

16 A. I've had conversations about this and our
17 involvement, not about what happened that night, with my
18 brother Ricky.

19 Q. Tell me about those conversations.

20 A. He was just telling me about what the
21 lawsuit process is.

22 Q. Did he tell you what the basis of our
23 lawsuit against you and your wife is?

24 A. No. Jack has.

25 Q. When did the conversations with your brother

1 Ricky take place?

2 A. I don't know. Over time.

3 Q. How many -- how many discussions took place
4 to your recollection?

5 A. Two or three maybe.

6 Q. Do you recall where the discussions took
7 place? Was there a particular location or was it by
8 phone?

9 A. I don't know.

10 Q. Was your wife, Patty, present during these
11 conversations?

12 A. Not that I recall.

13 Q. Have you ever gone down to the scene where
14 the incident occurred?

15 A. Yes, that road, yeah, yeah.

16 Q. How often -- okay. Since this occurred,
17 there's a little memorial built for John; is that correct?

18 A. I believe so.

19 Q. It's some flowers with some stones around
20 it?

21 A. Yeah, that's there.

22 Q. Okay. Have you gone there to see it?

23 A. I've seen it.

24 Q. Do you know who built that?

25 A. I don't.

1 **Q.** How often do you travel the road?

2 **A.** As often as I'm up there.

3 **Q.** How often are you there?

4 **A.** We try to every other weekend but not as
5 much anymore.

6 **Q.** Were you trying to go every other weekend
7 from 2003, I'm assuming, up until recently?

8 **A.** Yep, yeah.

9 **Q.** Have there been any significant changes, to
10 your recollection, on that roadway from 2003 up to the
11 present?

12 **A.** No, not that I remember.

13 **Q.** When was the last time you were there?

14 **A.** A couple weeks ago maybe.

15 **Q.** Did you have an opportunity to drive down to
16 your brother Todd's place during that time?

17 **A.** He wasn't there.

18 **Q.** When is the last time that you think you
19 traveled down to your brother Todd's place?

20 **A.** I don't know.

21 **Q.** How often would you drive down to your
22 brother Todd's place?

23 **A.** As often as I needed to see him.

24 **Q.** You've had a home built there since
25 approximately 2003; correct?

1 A. Yes.

2 Q. And as you sit here today, you don't
3 remember any significant changes in the roadway from
4 2003 up to the present; would that be accurate?

5 A. The roadway from my house to Todd's house --

6 Q. Yes.

7 A. -- is that what you're defining it as?

8 Q. Yes.

9 A. No, I don't remember any changes.

10 Q. And had you driven it in the last year?

11 A. Yes.

12 Q. Is the road in substantially the same
13 condition it's always been in since 2003 until the last
14 time you drove it?

15 A. There's constant erosion. I couldn't attest
16 to that.

17 Q. Okay. Is the road a dirt road or is it a
18 gravel road?

19 A. I don't know. I don't build roads.

20 Q. Do you ever go out walking on your property?

21 A. Yes.

22 Q. Do you ever walk the road?

23 A. Yes.

24 Q. And as you sit here today, you can't tell me
25 whether it's a dirt road or gravel road?

1 A. I don't think it's either. I think it's
2 shale.

3 **Q.** According to some of the information that
4 was gathered by the state police, it's our understanding
5 that Joe and John may have gone at approximately 12:30 on
6 July 5 from your home to Todd's home to pick up food and
7 beer. That's one of the statements that was given to the
8 police. To your knowledge, is that accurate?

9 A. I have no idea.

10 **Q.** And when you went to bed at 2:30 in the
11 morning, you have no idea as to what time the boys had
12 left; is that correct?

13 A. Right.

14 **Q.** As you sit here today, you don't recall
15 exactly where the RUV was parked by the boys when they had
16 returned from their 45-minute trip that you understood was
17 to go get sweatshirts; is that correct?

18 A. Say that again?

19 **Q.** Earlier I'd asked you where the RUV was
20 parked when the boys had returned from leaving for the
21 trip that you had said you thought was for them to go get
22 some sweatshirts; is that correct?

23 A. Yes.

24 **Q.** Okay. And I'd asked you do you know where
25 the RUV was parked?

1 A. I do not.

2 Q. You do not. You just recall seeing them
3 coming into the kitchen behind you?

4 A. Yes.

5 Q. Do you recall hearing or seeing them drive
6 up on the RUV?

7 A. I don't.

8 Q. Had you been drinking that evening?

9 A. Yes.

10 Q. Okay. What time did you have your first
11 drink at?

12 A. I don't know.

13 Q. Do you recall approximately how many drinks
14 you had?

15 A. No.

16 Q. Do you recall what you'd been drinking?

17 A. No, not exactly.

18 Q. Could you give me your best estimate as to
19 how much you drank?

20 A. No more than two or three drinks throughout
21 the course of the whole night.

22 Q. When you say "the course of the whole
23 night," does that include all the way up until 2:30, when
24 you went to bed?

25 A. Yes.

1 MR. FOLEY: Let's go off the record for a
2 minute.

3 VIDEO TECHNICIAN: Going off the record at
4 12:02 p.m. This completes Media Unit 1.

5 (Recess taken.)

6 VIDEO TECHNICIAN: This is the beginning of
7 Media Unit 2. We are back on the record at
8 12:13 p.m.

9 BY MR. FOLEY:

10 **Q.** We were talking -- I'm not sure where we
11 were left off, so I'm just going to ask. Who is Peter
12 Renahan? Who is Peter Renahan?

13 **A.** Ricky's son.

14 **Q.** Ricky's son. Was Peter there on July 4,
15 2009?

16 **A.** I don't really remember.

17 **Q.** Who is Tom Roth?

18 **A.** Todd's friend.

19 **Q.** And was Tom Roth there?

20 **A.** I don't think so.

21 **Q.** Was his wife there or their children?

22 **A.** I don't remember.

23 **Q.** Now, the beer that was there on the -- there
24 at your home on July -- the evening of July 4 and the
25 morning hours of July 5, we talked about it earlier. And

1 I'm just trying to clarify something here in my mind.

2 You're saying that there was beer in all three coolers; is
3 that correct?

4 A. I believe so.

5 MR. TUCCI: Actually, I think he said there
6 might have been two or three coolers --

7 THE WITNESS: Yeah.

8 MR. TUCCI: -- plus his. So there might
9 have been as many as four coolers.

10 BY MR. FOLEY:

11 Q. Okay. But there was beer in all the
12 coolers; is that correct?

13 A. I believe so.

14 Q. To the best of your recollection?

15 A. Yes.

16 Q. Then there was also beer inside the
17 refrigerator in your kitchen; is that correct?

18 MR. TUCCI: Which refrigerator? There's two
19 refri --

20 BY MR. FOLEY:

21 Q. Two refrigerators. But we're talking about
22 the glass door refrigerator that's there near the sink.

23 A. To my knowledge, there was.

24 Q. Okay. Was there any beer in the large
25 refrigerator?

1 A. There usually isn't.

2 Q. That's where food is kept?

3 A. Yeah, pretty much.

4 Q. Okay. And what else, other than beer, is
5 kept in the small refrigerator with the glass door?

6 A. Soda.

7 Q. Okay.

8 A. Stuff for the kids. And the bottom has
9 white wine.

10 Q. How big is the refrigerator?

11 A. Well, I know it's 24-inches wide. I don't
12 know how high it is.

13 Q. And how much beer does it usually hold?

14 A. I don't know.

15 Q. How much beer do you usually keep in it?

16 A. I try to keep it as full as I can because it
17 works better.

18 Q. And when you say you try to keep it as full
19 as you can, would you have a six-pack in there, a case in
20 there?

21 A. It -- it definitely doesn't fit a case, I
22 don't think. So it might be a half of dozen beers and,
23 you know, a lot of diet Coke.

24 Q. And then the cooler that was your cooler
25 that was out on the porch --

1 A. I'm sorry. Yes.

2 Q. -- how much beer would you estimate or give
3 us your best estimation was inside of there?

4 A. I don't know.

5 Q. Who stocked the cooler?

6 A. Probably me.

7 Q. As you sit here today, can you recall
8 whether you put a case of beer in there, two cases of
9 beer?

10 A. It wouldn't hold either of those figures you
11 just used. It's not that big.

12 Q. Okay. Two six-packs then?

13 A. That's a good estimate.

14 Q. So we have two six-packs in your cooler, two
15 six-packs maybe in the refrigerator in the kitchen;
16 correct?

17 A. About.

18 Q. And the other two to three coolers that were
19 there, did you ever go into any of those -- any of those
20 coolers?

21 A. You know, I did not.

22 Q. You did not. So as you sit here today, you
23 don't know whether there was beer in there or not; is that
24 correct?

25 A. There had to be beer in there.

1 **Q.** Why is it that there had to be beer in
2 there?

3 **A.** Because there was other kinds of beer at the
4 party that I don't have.

5 **Q.** What kind of beers were at the party that
6 you don't have?

7 **A.** Guinness, Budweiser.

8 **Q.** Anything other than Guinness and Budweiser?

9 **A.** That's all I really remember from the
10 recycling the next day.

11 **Q.** That's how you know that there were other
12 beers there, because you had cleaned up afterwards?

13 **A.** Right there is a basket that --

14 **MR. TUCCI:** When you say "there," you have
15 to tell him where you're referring to.

16 **THE WITNESS:** To the right of --

17 **MR. TUCCI:** On Exhibit 2-1?

18 **MR. FOLEY:** Yes.

19 BY **MR. FOLEY:**

20 **A.** On it Exhibit 2-1, to the right of the
21 sliding glass door, there's a metal basket with a bag in
22 it that you can faintly see and that's where the recycling
23 goes.

24 **Q.** Okay. And how many cans were in that?

25 **A.** I have no idea.

1 **Q.** Was it full?

2 **A.** It was there from the whole week and
3 possibly from the last time we were there, as well.

4 **Q.** Was it full?

5 **A.** No.

6 **Q.** Okay. Well, then why would you be looking
7 into it to see what kind of beer cans were in there or see
8 what was in there because of -- the next day?

9 **A.** Because I've got to take it home.

10 **Q.** So you -- why do you have to take it home?

11 **A.** We don't have trash service.

12 **Q.** So you took that home back to Malvern when
13 you left at 3:00 on July 5; is that correct?

14 **A.** Yes.

15 **Q.** Okay. And can you describe for me what it
16 is in that bag that you -- was it in a bag first of all?

17 **A.** Yes.

18 **Q.** Okay. And how full was the bag when you
19 took it home?

20 **A.** It's a big contractor bag and it was not
21 that full.

22 **Q.** When you say "not that full," was it half
23 full, quarter of the way full, three quarters?

24 **A.** First, it had water bottles, soda cans, beer
25 cans. Anything from the time we were up there that had to

1 be recycled goes in there.

2 Q. Um-hum. What color was it?

3 A. Was what?

4 Q. The bag.

5 A. Oh, black.

6 Q. Okay. So we're talking about a large black
7 trash can bag, contractor's trash can bag?

8 A. Yes.

9 Q. And you can't see through this dark black
10 bag; is that correct?

11 A. Correct.

12 Q. Did you dig through it to look into it to
13 see what was inside?

14 A. I looked down, tied the top, and put it in
15 my truck.

16 Q. And you saw that there were Guinness and
17 Budweiser cans in there?

18 A. I did.

19 Q. When you tied it, was it tied so that it was
20 three-quarters of the way tied or halfway tied?

21 A. Not even a quarter.

22 Q. Not even a quarter.

23 MR. KUNKLE: Kevin, was your question tied
24 or full?

25 MR. FOLEY: I think it was tied.

1 MR. KUNKLE: Was it three-quarters full or
2 tied? I --

3 BY MR. FOLEY:

4 Q. Was it one-quarter of the way full when you
5 tied it?

6 A. Yes.

7 Q. Okay. It was only one-quarter of the way
8 full?

9 A. About.

10 Q. These black contractor bags that go inside
11 this canister -- or this canister for the recycling, who
12 purchased those black canister bags, those bags?

13 A. Me.

14 Q. Okay. What kind did you purchase?

15 A. I don't know.

16 Q. When you say they're large contractor bags,
17 do you know how many gallons they hold?

18 A. No.

19 Q. Do you recall where you purchased them?

20 A. No.

21 Q. But it's your recollection that when you
22 tied it, it was approximately a quarter of the way full?

23 A. That's what I remember.

24 Q. Okay. And it was full of beer cans, water
25 bottles, soda cans, things -- all different kinds of cans?

1 A. All different kinds of cans. And it would
2 have been if we ate canned Beefaroni or that type of can
3 would have went in there, as well.

4 **Q.** But you recall seeing Guinness or Budweiser
5 cans on the top of the pile and that's why you know that
6 there was beers other than the ones that you had purchased
7 there at the party?

8 MR. TUCCI: Let me state an objection. I
9 don't think he used the word "top." He said they
10 were in there.

11 BY MR. FOLEY:

12 **Q.** Where were the cans inside the bag?

13 A. In the bag. I don't know.

14 **Q.** Okay. Well, did you dig through the bag to
15 the go to the bottom to look to see what was there in the
16 bag?

17 A. I told you I looked in the bag, tied the
18 bag, put it over my shoulder and put it in the back of my
19 truck.

20 **Q.** So the cans that you're talking about, the
21 Guinness and Budweiser cans, were on the top?

22 A. That's your assumption.

23 **Q.** Could you see to the bottom of the bag?

24 A. No.

25 **Q.** What could you see other than what was on

1 the top of the pile?

2 A. Everything around the sides.

3 Q. Okay. Other than seeing the Guinness and
4 the Budweiser cans there, did you see anything else?

5 A. As I told you, cans, water bottles, and soda
6 cans. It's a mixture of everything.

7 Q. Do you recall running out of beer at
8 approximately midnight, at 12:00, on July 4?

9 A. I do not.

10 Q. To your knowledge, was there beer inside the
11 glass refrigerator in the morning when you woke up?

12 A. I don't remember.

13 Q. When you returned to your -- during the time
14 period of 5:00 in the morning approximately, when you
15 woke, up until 3:00 in the afternoon, did you check the
16 refrigerator to see whether there was any beer in there?

17 A. No.

18 Q. And as you sit here today, you don't rec --
19 have any recollection of knowing whether there was any
20 beer in there during that time period; would that be
21 correct?

22 A. During what time period?

23 Q. The period when you were woken up by your
24 brother Steve who called you at about 5:00/5:30 and when
25 you left your home there at 3:00 in the afternoon?

1 A. I have no idea.

2 Q. When you returned to your home whenever it
3 is that you returned after July 5, 2009 at
4 approximately -- when you left after 3:00 in the
5 afternoon, when was the next occasion you returned?

6 A. I'm confused. Returned to my house in
7 Malvern or returned to the mountains?

8 Q. Returned to your home on Minkler Mountain
9 Road.

10 A. Oh, I don't have any idea.

11 Q. Do you recall whether there was beer there
12 when you returned?

13 A. I have no idea.

14 Q. And as you sit here today, you don't know
15 whether you had -- you had run out of beer at
16 approximately 12:00, 12:30 on the night of July 4, the
17 early morning hours of July 5?

18 A. I have no idea.

19 Q. Okay. Do you have any explanation as to why
20 Mr. Connors gave a statement to -- well, to Officer
21 Trooper Michael Joyce on or about November 30, 2009
22 indicating or stating, "At approximately 00:30 hours,
23 July 5, 2009, he, the defendant, and Mr. Byram traveled
24 from defendant's uncle's house to 68 Fieldstone Drive to
25 pick up food and beer and went back to uncle's house"?

1 A. I don't know why he made that statement. Is
2 300 hours 3:00 a.m.; is that what you're saying?

3 **Q.** No. It's approximately 12:30.

4 A. Oh, no, I don't know why he would say that.

5 **Q.** To your knowledge, you don't know whether
6 you ran out of beer?

7 A. No, I don't.

8 **Q.** Do you know whether your nephew, Marky, left
9 your home at approximately that time to go back to his
10 father's home and returned?

11 A. I don't know. That's when I was talking to
12 them.

13 **Q.** I'm sorry?

14 A. That's when I was talking to him. You're
15 talking about -- I'm confused. 12:30 you're asking me?

16 **Q.** It says, "At approximately 0030 on July 5,"
17 meaning 12:30 in the morning --

18 A. Okay.

19 **Q.** -- "the defendant Connors," Joe Connors,
20 said that he and -- yes -- that he and John Byram went
21 back to Todd's house to pick up food and beer and went
22 back to the uncle's home, meaning your home.

23 A. I thought they went to get sweatshirts.

24 **Q.** So if he has claimed to the police that your
25 nephew went with them, you would disagree with that?

1 A. I would disagree. I don't remember Mark
2 going.

3 **Q.** But as you sit here today, you don't know
4 whether you ran out of beer at that point in time?

5 MR. TUCCI: Just -- just object. Asked and
6 answered three times.

7 BY MR. FOLEY:

8 **Q.** Correct?

9 A. Correct.

10 **Q.** If they left at 12:30 in the morning and
11 were only gone for a half hour to 45 minutes, that would
12 put them back at your home at approximately 1:15?

13 A. Okay.

14 **Q.** And it's your testimony that they did not
15 get back until you were going to bed at 12 -- or 2:30 in
16 the morning?

17 A. I said I thought I went to bed, and yes.

18 **Q.** You never spoke to them when they returned?

19 A. Nope.

20 **Q.** Have you ever spoken to Joseph Connors since
21 July 5, 2009?

22 A. No.

23 **Q.** How many beers did you see Mark drink on
24 July 4 through July 5?

25 A. Only two or three.

1 **Q.** Do you recall -- I think you said you had --
2 he had one -- I asked you about it, one when you were at
3 the campfire during that time period. When is the time
4 that you saw him drink the other one or two beers?

5 **A.** One when he got there and one at dinner is
6 what I remember seeing and then, of course, the one we
7 discussed by the fire pit.

8 **Q.** Do you remember what kind of beer he was
9 drinking?

10 **A.** I don't.

11 **Q.** Do you know where he got the beer from?

12 **A.** I don't.

13 **Q.** The beer that he drank at the campfire, do
14 you know where he got that beer from?

15 **A.** I don't.

16 **Q.** Were there any coolers up near the campfire?

17 **A.** Not that I remember.

18 **Q.** Do you recall how much Mark had to eat that
19 night?

20 **A.** No. I just remember seeing him with huge
21 plates of food.

22 **Q.** And when did you see him with the huge
23 plates of food?

24 **A.** Dinner.

25 **Q.** What time was dinner?

1 A. Right after everybody got there, 5:30/6:00.

2 Q. Other than that time, did you see Mark
3 eating?

4 A. They ate again. They came in to eat at the
5 end of the night when I went to bed.

6 Q. So Mark came in actually with John and
7 Joseph; is that correct?

8 A. All three kids came in to my knowledge.

9 Q. Aside from at dinnertime and when they came
10 in when you were going to bed to eat, had you seen them
11 eating -- Mark eating at any other time?

12 A. Not specifically. But there was food out
13 all night.

14 Q. Did you happen to observe Johnathon eating?

15 A. Not specifically.

16 Q. Did you ever observe Joseph eating that
17 night?

18 A. Not specifically.

19 MR. FOLEY: The remainder of my questions
20 are really going to pertain to the financial
21 discovery that I had asked about that you had
22 objected to.

23 MR. TUCCI: Right.

24 MR. FOLEY: I'm assuming that if I ask these
25 questions, you're going to object to them --

1 MR. TUCCI: That's correct.

2 MR. FOLEY: -- and instruct your client not
3 to answer them; is that correct?

4 MR. TUCCI: Yes, that is correct.

5 MR. FOLEY: Okay. With that understanding,
6 pending a ruling by the court, I would reserve the
7 right to call this witness back for further
8 questions. But I don't have any other questions
9 other than those questions. Is that agreeable?

10 MR. TUCCI: That is agreeable.

11 MR. FOLEY: Okay. That's all.

12 MR. WILSON: I have no questions.

13 MR. TUCCI: No, no. The other attorneys get
14 a shot, too.

15 BY MR. FOLEY:

16 Q. Actually, I'm sorry, one more question. How
17 many times do you recall the boys riding the RUVs that
18 night?

19 A. I don't really recall any.

20 Q. You do recall the one time that they left to
21 go get what you thought were sweaters; is that correct?

22 A. Yes.

23 Q. Aside from that time, do you recall them
24 ever riding the RUVs that night?

25 A. I don't.

1 MR. FOLEY: Thank you. Nothing else.

2 VIDEO TECHNICIAN: Anybody else?

3 MR. KUNKLE: No questions.

4 MR. FARRELL: On behalf of Attorney Coleman,
5 no questions.

6 **EXAMINATION**

7 BY MR. TUCCI:

8 Q. I just have a few questions, Jim. Did you
9 ever physically hand John Byram or Joe Connors an
10 alcoholic beverage on the night of July 4 into the early
11 morning hours of July 5?

12 A. No.

13 Q. Did you ever see Patricia, your wife, ever
14 hand either John Byram or Joe Connors an alcoholic
15 beverage on the night of July 4 to July 5?

16 A. No.

17 Q. Did you have any actual knowledge from any
18 source that John Byram or John -- or Joseph Connors were
19 under the age of 21 at the time this incident occurred?

20 A. No, I did not.

21 Q. This -- the -- you provided a locale for the
22 family picnic?

23 A. Yes.

24 Q. And were people who were attending the party
25 allowed to bring items to the party?

1 A. Anything they wanted.

2 Q. Did people bring food to the party?

3 A. Yes.

4 Q. Did other people bring beverages to the
5 party?

6 A. Beverages?

7 Q. Beverages, yes.

8 A. Yes.

9 Q. And I know you stated you did not know
10 specifically who brought the either two or three other
11 coolers. Did people who attended the party bring coolers
12 with them to the party?

13 A. Yes.

14 Q. And did they take coolers away with them
15 after the party was over?

16 A. Yes.

17 Q. And you believe that soda, water, and beer
18 were commingled in all of the coolers that were present on
19 your premises on the night of the family picnic?

20 A. I do.

21 Q. As far as your estimates relating to time,
22 we instructed you not to guess. When you give an
23 estimate, is that a specific recollection or is that just
24 an estimate?

25 A. Just an estimate.

1 **Q.** If you -- do you know specifically how long
2 John Joseph Connors had left your premises to go back to
3 Todd's premises?

4 **A.** Do I know how long?

5 **Q.** Yes.

6 **A.** No.

7 VIDEO TECHNICIAN: I'm sorry. Would you put
8 your microphone on? I'm having a hard time.

9 MR. TUCCI: Yes.

10 VIDEO TECHNICIAN: Thanks.

11 BY MR. TUCCI:

12 **Q.** Why did you wait until 3:00 p.m. on July 5
13 before leaving?

14 **A.** I thought someone would want to come up and
15 talk to me, so I didn't want it to seem like we were
16 leaving.

17 **Q.** And did anybody from the police or any local
18 organizations contact you during the day of July 5 before
19 you left?

20 **A.** No, other than the police officer who came
21 to my house by mistake.

22 **Q.** Did you restock your cooler at all the
23 night -- or the night of -- the afternoon/evening of
24 July 4 into July 5?

25 **A.** No.

1 MR. TUCCI: That's all the questions I have.

2 Thank you.

3 **FURTHER EXAMINATION**

4 BY MR. FOLEY:

5 **Q.** Okay. Did you and/or your wife provide
6 alcohol for the party?

7 **A.** Yes, the picnic.

8 **Q.** The picnic. And your counsel referred to it
9 as a party. Did you correct him?

10 **A.** (Nonverbal response.)

11 **Q.** Okay. But you take issue when I call it a
12 party; correct?

13 **A.** It's not a party. It's a family picnic.

14 **Q.** Okay. You did provide alcohol for the --
15 for the picnic; is that correct?

16 **A.** Yes. I answered that.

17 **Q.** Did you provide beer?

18 **A.** Yes.

19 **Q.** Did you provide wine?

20 **A.** No.

21 **Q.** Okay. Who provided the wine?

22 **A.** I don't know.

23 **Q.** The people that brought the coolers, that
24 you believe brought coolers, to the party, who were they?

25 **A.** I don't know.

1 **Q.** Okay. Did you ever ask Johnathon Byram how
2 old he was?

3 **A.** No.

4 **Q.** Did you ever ask Joseph Connors how old he
5 was?

6 **A.** No.

7 **Q.** Did you make any efforts to verify their age
8 while they were there drinking at your house?

9 **A.** No.

10 **Q.** To your knowledge, did your wife ever make
11 any efforts to verify their age while they were drinking
12 at your house?

13 **A.** I don't know.

14 **Q.** Did you ever ask your wife at any time since
15 July 5, 2009 as to whether she was aware of their age?

16 **A.** I have.

17 **Q.** What -- when did you have that discussion
18 with him -- with her? I'm sorry.

19 **A.** That's okay. The next day when we found out
20 how old they were.

21 **Q.** So you found out how old they were on
22 July 5, 2009; is that correct?

23 **A.** I think so, yeah.

24 **Q.** How is it that you found out how old they
25 were on July 5, 2009?

1 A. I think Ricky told me.

2 Q. So that was something else that you and
3 Ricky had discussed when Ricky had come over to your house
4 on July 5, 2009?

5 A. I think so. I'm not sure.

6 Q. Why is it that you and Ricky would be
7 discussing their ages on July 5, 2009, the same day that
8 John Byram died?

9 A. I don't know.

10 Q. Could you have asked how -- John Byram how
11 old he was on July 4, 2009?

12 A. I guess.

13 Q. Would it be fair to state, sir, that you
14 chose not to ask that question?

15 A. It would be fair to state that they showed
16 up at my house drinking beer with my nephew who's 21 years
17 old.

18 Q. Would it be fair to state that you decided
19 not to ask how old they were?

20 A. I thought they were 21. I didn't see it
21 necessary.

22 Q. Was it you that asked Ricky how old they
23 were on July 5 when he came over to your house?

24 A. I don't remember.

25 Q. Who was the one that brought up how old were

1 they?

2 A. I don't remember.

3 Q. Did you bring it up?

4 A. I don't remember.

5 Q. It was important enough to talk about on
6 July 5 when John Byram was dead; is that correct?

7 A. I don't know about that.

8 Q. Well, something was talked about; correct?

9 A. We just talked about that.

10 Q. And it was something that was not discussed
11 between you, your wife, or anybody else on July 4, 2009;
12 correct?

13 A. Correct.

14 Q. When he showed up at your house on July 4,
15 2009, was he drinking when he got out of the car then?

16 A. I don't remember. I was at the grill;
17 remember?

18 Q. But you did see him drinking while he was
19 there; is that correct?

20 A. That's correct.

21 Q. Do you recall how long it was while he was
22 there before you first saw him with a beer?

23 A. I don't.

24 Q. You made no efforts to try and stop him from
25 drinking?

1 A. I told you that.

2 Q. You did not?

3 A. I did not.

4 MR. FOLEY: Nothing else.

5 MR. TUCCI: Thank you very much. That's it.

6 THE WITNESS: Thank you.

7 MR. TUCCI: You can switch seats.

8 VIDEO TECHNICIAN: The time is 12:39 p.m.

9 This completes the video deposition consisting of
10 two media units.

11 - - -

12 (Video deposition concludes, 12:39 p.m.)

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C E R T I F I C A T E

I, Lisa Taylor, Registered Professional Reporter
and notary public certify:

That the foregoing deposition of James Renahan was taken before me at the time and place therein set forth at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the deposition were recorded stenographically by me and thereafter transcribed;

That the foregoing deposition is a true record of the testimony and of all objections made at the time of the deposition.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

My certification as to the accuracy of this transcript, if it has been reformatted or altered from its original form in any manner, is null and void.

In witness whereof, I have subscribed my name
this 29 day of June 2011.

Lisa Taylor
Registered Professional Reporter
Notary Public

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